

REMARKS

Review and reconsideration of the Office Action dated October 7, 2003, is respectfully requested in view of the above amendments and the following remarks.

Claims 20, 24-25, 32-33, and 37 have been amended to correct informalities.

Claims 43 and 44 have been added. Applicants respectfully request that the Examiner enter these claims.

Claim 43 corresponds to Claim 24 **without the limitation that the modified cellulose includes ethyl cellulose.**

Claim 44 corresponds to Claim 25 **without the limitation that the modified cellulose includes ethyl cellulose.**

Thus, these new claims require that the modified cellulose is selected from the group consisting of methyl cellulose, hydroxypropyl cellulose, hydroxypropyl methyl cellulose, ethyl methyl cellulose, or mixture thereof.

These claims require a) hydrophilic solid particles **obtained by a fluidized bed spray granulation process**, and b) a casing comprising a modified cellulose.

Applicants note that the main difference between the Schobel reference and the claims of the present invention is that in the present invention, the solid particles are produced by a fluidized bed spray granulation process, and the Schobel reference uses a **wet granulating technique to produce the particles.** (column 4, lines 36-46, and example 6).

In addition, Applicants note that the Schobel reference discloses a fluidized bed process for the **application of the coating to the previously produced particles**, but the particles are not produced by a fluidized bed process.

The fluidized bed spray granulation method for **producing the solid particles of the present invention** leads to a more spherical granulate than the agglomeration method used by the reference.

During a fluidized bed spray granulation method, the particles are placed in a chamber with an upward air current. As they rise, they are coated by a spray head at the top of the chamber. The particles cycle through the chamber **several times to pick up successive thin layers. The more layers, the thicker the outer shell and the greater the protection.**

Thus, the present invention presents the advantage of not having to use plasticizers to support spreading around the particle (Schobel). In addition, the better the uniformity of the coating, the better the controlled release function of the coating.

Applicants believe that all the claims are now in condition for allowance.

Office Action

Turning to the Office Action, the paragraphing of the Examiner is adopted.

Paragraphs 1-2 (Anticipation)

The Examiner rejects Claims 20-41 under 35 U.S.C. §102(b) as being anticipated by US Patent 5,568,560 to Schobel.

The position of the Examiner can be found on pages 2-3 of the Office Action.

Applicants respectfully traverse.

For a reference to anticipate, it must disclose every single element of the claim.

The present set of claims contains 9 independent Claims; Claims 20, 24, 25, 32, 33, 37, 42, 43, and 44.

Claims 20 and 42

These claims require a) hydrophilic solid particles obtained by a fluidized bed spray granulation process, and b) a casing comprising a modified cellulose.

Applicants note that the Schobel reference uses a **wet granulating technique to produce the particles**. (column 4, lines 36-46, and example 6).

In addition, Applicants note that the Schobel reference discloses a **fluidized bed process for the application of the coating to the previously produced particles**, but the particles are not produced by a fluidized bed process.

The fluidized bed spray granulation method for **producing the solid particles of the present invention** leads to a more spherical granulate than the agglomeration method used by the reference.

The more spherical the particles, the more uniform the coating will be in terms of thickness and areas of defects will be reduced. **The better the uniformity of the coating, the better the controlled release function of the coating.**

During a fluidized bed spray granulation method, the particles are placed in a chamber with an upward air current. As they rise, they are coated by a spray head at the top of the chamber. The particles cycle through the chamber **several times to pick up successive thin layers. The more layers, the thicker the outer shell and the greater the protection.**

Thus, the present invention presents the advantage of not having to use plasticizers to support spreading around the particle (Schobel). In addition, the better the uniformity of the coating, the better the controlled release function of the coating.

Thus, Claims 20 and 42 are not anticipated by the Schobel reference.

Claim 24

Applicants note that Claim 24 includes the close transitional phrase **consisting of**; this terminology is interpreted to mean that any embodiment that does not contain exactly (no more or no less than) the elements recited in the

claims is not considered to be encompassed by the claim. The terminology may include the presence of trace amounts of additional components that are normally present as impurities.

The Schobel reference describes a coating composition that **always has to comprise the three following components:**

a water insoluble film forming composition (i.e. ethylcellulose),

an enteric compound (i.e. acrylic polymer)

a plasticizer (i.e. dibutylsebacate)

whereas the ratio of the film former and the enteric compound is between 5:1 and 0,5:1. **The plasticizer is used in amounts 18-40% of the film former.**

Additional ingredients such as soluble enteric compound in **amounts mentioned** in the Schobel reference would change the functionality significantly. Since the enteric compound is water soluble (col.2, lines 1-2), the gel network formed by the ethylcellulose will be weakened once added to water. The barrier properties for volatile flavors/fragrance molecules at higher temperatures will decrease.

The present invention does not use any enteric compound or any plasticizer in the coating. In fact, it is the purpose of the present invention not to include any other materials in the coating apart from the modified celluloses. **The control of the flavor/fragrance release is solely based on the swelling and**

diffusion characteristics of the modified cellulose at different temperatures and the reversibility of this effect.

Thus, Claim 24 is not anticipated by the Schobel reference.

Claims 25 and 32

These claims are directed to a process comprising two steps:

- a) producing at least one of aroma and perfume particles **by a fluidized bed spray granulation; and**
- b) coating the particles with a modified cellulose.

For the same reason set forth in Claims 20 and 24, the Shobel reference does not anticipate Claims 25 and 32.

Claim 33

This claim requires adding at least one of encapsulated aromas and perfumes to a, wherein said at least one of encapsulated aromas and perfumes comprise (a) hydrophilic solid particles **obtained by a fluidized bed spray granulation process,** and (b) **a casing having a modified cellulose.**

For the same reason set forth in Claim 24, the Shobel reference does not anticipate Claim 33.

Claim 37

This claim is similar to Claim 33 with the exception that requires that the modified cellulose is selected from the group

consisting of methyl cellulose, hydroxypropyl cellulose, hydroxypropyl methyl cellulose, ethyl methyl cellulose, or mixture thereof.

Nowhere in the Schobel reference can be found the teaching that the modified cellulose is selected from the group consisting of methyl cellulose, hydroxypropyl cellulose, hydroxypropyl methyl cellulose, ethyl methyl cellulose, or mixture thereof.

For the same reason set forth in Claims 24 and 33, the Shobel reference does not anticipate Claim 37.

Claim 43

This claim is similar to Claim 20 with the exception that requires that the modified cellulose is selected from the group consisting of methyl cellulose, hydroxypropyl cellulose, hydroxypropyl methyl cellulose, ethyl methyl cellulose, or mixture thereof.

Nowhere in the Schobel reference can be found the teaching that the modified cellulose is selected from the group consisting of methyl cellulose, hydroxypropyl cellulose, hydroxypropyl methyl cellulose, ethyl methyl cellulose, or mixture thereof.

For the same reason set forth in Claim 20, the Shobel reference does not anticipate Claim 43.

Claim 44

This claim is similar to Claim 24 with the exception that

U.S. PATENT APPLICATION No. 09/787,180

AMENDMENT C AND REQUEST FOR A TELEPHONE INTERVIEW

ATTY. DOCKET: 3968.019

requires that the modified cellulose is selected from the group consisting of methyl cellulose, hydroxypropyl cellulose, hydroxypropyl methyl cellulose, ethyl methyl cellulose, or mixture thereof.


Nowhere in the Schobel reference can be found the teaching that the modified cellulose is selected from the group consisting of methyl cellulose, hydroxypropyl cellulose, hydroxypropyl methyl cellulose, ethyl methyl cellulose, or mixture thereof.

For the same reason set forth in Claims 24, the Shobel reference does not anticipate Claim 44.

Accordingly, withdrawal of the rejection is respectfully requested.

Favorable consideration and early indication of allowability is respectfully requested. Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below listed telephone number.

Respectfully submitted,



Evelyn A. DeFillio
Reg. No. 45,630

PENDORF & CUTLIFF
5111 Memorial Highway
Tampa, Florida 33634-7356
(813) 886-6085

Date: February 9, 2004

U.S. PATENT APPLICATION No. 09/787,180

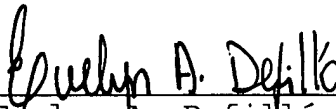
AMENDMENT C AND REQUEST FOR A TELEPHONE INTERVIEW

ATTY. DOCKET: 3968.019

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that a copy of the foregoing AMENDMENT C for U.S. Application No. 09/787,180 filed May 10, 2001, was deposited in first class U.S. mail, postage prepaid, addressed: **Mail Stop AF**, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on **February 9, 2004**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Evelyn A. DeFillio